

## Why Not?

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Sen. John Sherman Cooper, long known and admired for his good common sense, has offered a good common-sense proposal to the Congress, namely, that the National Security Act of 1947 be amended to require the Central Intelligence Agency to keep the "germane" committees of the Congress "fully and currently" informed by means of "analyses in regular and special reports" incorporating the intelligence gathered by that agency.

The argument for the proposal is clear enough: Congress is entitled to the same information that the executive receives in order to pass considered judgments on matters pertaining to its responsibilities. And why not? Surprisingly, the existing legislation does not specifically bar dissemination of CIA-gathered intelligence to Congress, but neither does it require that Congress be informed. So, by a familiar bureaucratic process, the practice developed of using this intelligence to brief the executive, leaving Congress out in the cold to scrounge around and get what intelligence it could. This is one of the principal causes of the exclusion of the Congress from deciding on when to start wars and when to end them. Of course it retains the power of the purse, but few members of either House are courageous enough to stop a war by withholding funds—it leaves them open to the accusation that they are letting down "our boys," which can prove fatal at election time.

Under the Cooper amendment, CIA information would have limited Congressional circulation. It would be made available to the Senate and House Foreign Relations and Armed Services Committees, whose members could pass along pertinent portions to other legislators and staff members working on national security matters, subject to the normal security requirements.

Note, in contrast, how the CIA reports are used under the present arrangement. The President, for his purposes, leaks a CIA report to, say, *The New York Times* on, say, the POW proposals of the North Vietnamese Government. Does the President call in the reporters and tell them candidly that here is a CIA report of general interest which I am divulging to all of you? He does nothing of the kind—he would rather play the leaking game. That is one reason why the executive prefers to hoard the information and withhold it from the Congress: he wants to be able to leak it when it serves his purpose to do so.

The damaging effects of this system are obvious. The Congress and the public are denied information on which vital decisions are based. The denial applies not only to military information but substantially to all data except what the executive chooses to share, which is always what will benefit him politically by enhancing his image and making him look, if not infallible, at least pretty close to it. The effect is to multiply errors as well as to hide them. The executive lacks the benefit of valuable feedback from the public and the press.

Senator Cooper has taken an important first step to limit the secrecy factor which bedevils our foreign relations. His remedy would broaden support for foreign policy and save us from involvement in another Indochina mess.

The Missing Memoranda  
1962-1966

STATINTL

# THE SECRET PAPERS They Didn't Publish

## The Makers of the Indochina War:

*Strategy and counter-strategy from highly classified documents not published by the New York Times and the Washington Post, leaked to NATIONAL REVIEW*

### October 1964: The Air Force and the CIA: Who Says A, Must Say B

In early September, 1964, President Johnson appointed a special inter-departmental, inter-agency committee, referred to as OVERLOOK, to review the record of US activities in, and in relation to, Indochina from 1950 (the date of US recognition of Bao Dai, the first active intervention in the Indochinese conflict). The committee was instructed to submit its report and conclusions to the NSC prior to the end of the month, in conjunction with the new policy directives under discussion and due for decision in the first week of October. It was the normal practice of such committees, special or standing, as it was of the NSC, JCS, etc., to reach final agreement on a single report through discussion and, when necessary, compromise of any divergencies in viewpoint. In the case of OVERLOOK, however, two members—not named, but identified as from the Air Force and CIA—declined to endorse the report, and insisted on submitting a "minority" document, not so much disagreeing with the approved text as adding a further section. It is not clear whether this appendix was ever actually placed before the NSC or seen by the President.

1. As in numerous other reports, memoranda and recommendations drawn up since 1951 for JCS, NSC, SD, the President, various ad hoc committees, etc., the report of OVERLOOK fails to accept the implications of its own data

and analysis, and therefore cannot serve as a correct guide for policy and plans.

2. From 1950 on, the nature and significance of US interest in Southeast Asia have been repeatedly stated, with-

out essential dispute. E.g.:

Memorandum from Secretary of Defense McNamara to President Kennedy, 8 Nov 1961: "... The Joint Chiefs, Mr. Gilpatrick and I . . . are inclined to recommend that we do commit the United States to the clear objective of preventing the fall of South Vietnam to Communism and that we support this commitment by the necessary military action. . . . If we act in this way, the ultimate possible extent of our military commitment must be faced. . . ."

Memorandum from Secretary of State Rusk and Secretary of Defense McNamara to President Kennedy, 11 Nov 1961:

a) UNITED STATES NATIONAL INTERESTS IN SOUTH VIETNAM.

The loss of South Vietnam to